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Tennessee Department of Transportation

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Right of Way
Division:
Relocation



Residential
Relocation

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RELOCATION ASSISTANCE PROGRAM
Residential Relocation

DEFINITIONS

DISPLACED PERSON: Any person (individual, family, corporation, partnership or association) who moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the state to vacate real property. In the case of a partial acquisition the state will determine if a person is displaced as a result of the acquisition.

COMPARABLE REPLACEMENT DWELLING: A comparable replacement dwelling must be decent, safe and sanitary and should be functionally similar to your present dwelling. While not necessarily identical to your present dwelling, the replacement should have certain attributes.

- Have similar number of rooms and living space.
- Located in an area not subject to unreasonable adverse environmental conditions.
- Generally not less desirable than your present location with respect to utilities and facilities.
- Located on a typical residential site with normal site improvements.
- Currently available to you and within your financial means.

DECENT, SAFE AND SANITARY: Decent, safe and sanitary housing must conform to all local housing and occupancy codes. It must meet the following standards:

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and electrical appliances.
- Contain a heating system capable of sustaining a temperature of approximately 70°.
- Be adequate in size with respect to number of rooms and area of living space to accommodate the family.
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall and a toilet, all in good working order and properly connected to appropriate sources of water and sewer.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which would prevent reasonable use of the dwelling in the case of a handicapped displacee.

INITIATION OF NEGOTIATIONS: The term initiation of negotiations means the date the state makes the first contact with the owner of real property to deliver a written offer for the property to be acquired.

PAYMENTS NOT TAXABLE

No relocation payment received will be considered as income for the purposes of state or federal income taxes or for the purposes of determining eligibility for social security or any other federal law.

APPEAL RIGHTS

If you feel that the state has failed to properly determine your eligibility for a payment or the amount of a payment, you may appeal for a review of the determination.

If you indicate your dissatisfaction either verbally or in writing, the relocation agent will furnish you with all necessary forms to initiate a formal appeal and will advise you of the proper procedures to be followed. The appeal must be filed no later than 60 days after the time limit specified for filing a claim or 60 days after the final action on a claim, whichever is later. You will be given a prompt and full opportunity to be heard and will be advised of the decision and provided an explanation of the basis for the decision. You have the right to be represented by an attorney or other representative, but only at your own expense.

FAIR HOUSING

The U.S. Fair Housing law sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. This act and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, creed, color, religion or sex. If while seeking replacement housing, you feel you have been discriminated against, contact your relocation agent who will advise you as to the steps to take in filing a complaint.

Whenever possible, minority persons shall be given the opportunity to relocate to replacement property not located in an area of minority concentration, that is within their financial means. This policy does not require that the state provide a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

RESIDENTIAL RELOCATION

INTRODUCTION

The purpose of the State’s Relocation Assistance Program is to ensure to the maximum extent possible the prompt and equitable relocation of persons displaced as a result of state or state-aid projects in order that such persons shall not suffer disproportionate harm as a result of programs designed to benefit the public as a whole.

This brochure has been prepared to provide information about relocation services and payments that are available in addition to payments that would normally be made for the purchase of real property for public use.

RESIDENTIAL MOVES

Any residential occupant who qualifies as a displaced person is entitled to receive a payment for moving and related expenses. As a displacee, you have the option of being paid on the basis of actual reasonable expenses or a move based on a room count schedule. Both options are briefly explained here. You are encouraged to consult your relocation agent concerning the details of these options before making a decision.

ACTUAL REASONABLE EXPENSES

The payment for actual reasonable moving expense involves reimbursement to you based on the estimates for the cost of a commercial move within a 50-mile radius and related expenses. Your claim for payment must be supported by paid receipted bills. At your request, arrangements can be made with a commercial mover for a direct billing to the state.

SCHEDULE MOVE

Your move cost will be determined based on the room count of your residence as indicated in the following schedule. After completing your move, you will be paid the full amount with no need for further documentation of expenses incurred. The schedule move amount includes payment for all usual expenses.

Occupant Owns Furniture*	
1 st Room	Each Additional
\$500.00	\$250.00

Occupant Does Not Own Furniture*	
1 st Room	Each Additional
\$300.00	\$50.00

*occupants of dormitory style rooms with two or more related individuals and with minimal possessions, \$50

If you expect to have unusual expenses, this may not be the option for you. Consult your relocation agent about any unusual move problems.

REPLACEMENT HOUSING PAYMENTS

A residential occupant who qualifies as a displaced person may be eligible for a Replacement Housing Payment (RHP). There are three types of RHP's: purchase supplement, rent supplement, and down payment supplement. Your eligibility is dependent on your status as an owner or a tenant and your length of occupancy (i.e. the number of days that you have occupied the property prior to the “Initiation of Negotiations”)

PURCHASE SUPPLEMENT

An owner whose length of occupancy is 90 days or greater may be eligible for a purchase supplement of up to \$31,000. The three components of the purchase supplement are price differential, incidental expenses and increased interest costs.

- **Price Differential**—the amount by which the cost of a replacement dwelling exceeds the acquisition price of your present dwelling. The state will determine the maximum amount of the price differential based on the selection of a comparable replacement dwelling. You will be informed of the maximum amount and the location of the comparable.
- **Incidental Expenses**—You may be reimbursed for actual and reasonable costs incurred in connection with the purchase of your replacement dwelling, such as recording fees, title search, and other closing costs. Prepaid expenses such as property taxes or property insurance are not eligible.
- **Increased Interest Costs**– You may be reimbursed for increased mortgage interest costs if the interest rate on you new mortgage exceeds the interest rate on you present mortgage. To be eligible you must have a legitimate mortgage on your present dwelling.

RENT SUPPLEMENT

An owner or a tenant with a length of occupancy of 90 days or greater may be eligible for a rent supplement not to exceed \$7,200.

The maximum rent supplement is determined by the difference between rent and utilities at your existing location and rent and utilities at a comparable location for 42 months. You will be informed of the maximum amount and the location of the comparable by your relocation agent.

DOWN PAYMENT SUPPLEMENT

A tenant with a length of occupancy of 90 days or greater may be eligible for a down payment supplement not to exceed \$7,200.

The entire supplement must go towards the purchase of a replacement dwelling and related incidental costs, such as, title search, recording fees, home inspection, appraisal, etc.

MOBILE HOMES

Mobile home occupants are generally entitled to the same moving and replacement housing benefits as occupants of conventional housing. Your relocation agent will explain the options available to you.

ADDITIONAL INFORMATION

- You will have no less than 90 days from the date the state obtains possession of your dwelling in which to relocate.
- To be eligible for a Replacement Housing Payment your replacement dwelling must be “decent, safe, and sanitary.” You are cautioned to not enter into a sales contract or lease agreement until your relocation agent has inspected the replacement property .
- All Replacement Housing Payments are limited to the amount actually spent or the maximum payment established by the state, whichever is less.
- Any claim for a relocation payment must be accompanied by sufficient documentation to adequately support and demonstrate expenses incurred.
- Your relocation agent will maintain continuous contact with you in order to provide relocation advisory services